

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

BCWD – Establishment - Regularization of the services of Sri M.Sampath Kumar, Roneo Operator, AP Study Circle for BCs, Ananthapur as per the Interim Orders passed by the Hon'ble High Court of AP in WPMP No.10192 in WP No.7969/06, Dt.6.6.2006 – Proceedings of District Collector, Ananthapur Dt.27.7.2006, regularizing the services of the individual – Cancelled – Orders – Issued.

BACKWARD CLASSES WELFARE (A2) DEPARTMENT

G.O.Rt.No. 113

Dated: 31.03.2011

Read the following:-

1. Interim orders of High Court of AP, dt:06.06.2006 in W.P.M.P.No.10192/2006 in W.P.No.7969/2006
2. Procs., of the Collector/ President, AP Study Circle for BCs, Ananthpur, No.APSCFBCs/2006/Estt., dt:27.07.2006
3. From the Director, BC Welfare, Lr.Rc.No.E1/8609/2010, Dt.8.2.2011
4. Govt., Memo.No.528/A1/2011-1, dt:10.02.2011
5. Fax Copy of case status information received from the Director, BC Welfare, AP, Hyderabad

ORDER:-

The Hon'ble High Court of AP in its interim order, 1st read above, had made the following order:-

“The Petitioner was appointed as a Roneo Operator in the AP Study Circle.

It is the case of the petitioner that as per the recruitment rules framed by the Study Centre, he is entitled to be regularized.

However, in the Counter-affidavit also it is stated that as per the rules he is entitled to be regularized on completion of ten years. But it is the case of the petitioner that he is entitled for regularization with effect from his initial appointment i.e., 01.11.1994.

Whether he is entitled for regularization from 01.11.1994 or from the period after expiry of ten years, is a matter which has to be considered finally in the writ petition. But in as much as he has already submitted his representation, dt: 01.12.2005, the respondents are directed to consider the case of the petitioner for regularization as per the recruitment rules framed in this regard. It is found that the petitioner is entitled only from the period after completion of ten years, the respondents shall issue orders to that effect. But, however, the same shall be subject to further orders in the W.P. pending before this court.

The MP is accordingly disposed of”.

2. The main W.P., is still pending in the Hon'ble High Court of AP. In the above WP, the Government is the 1st respondent and the Commissioner, BC Welfare is the 2nd respondent. Neither the Government nor the Director, BC Welfare has filed counter in the W.P. In pursuance of

p.t.o.

the above interim orders of High Court of AP, the Director, AP Study Circle for BCs, Ananthapur, has regularized the services of Sri.M.Sampath Kumar, a Daily Wage Worker as Roneo Operator, APSC for BCs w.e.f. 01.11.2004, with out consulting the Director, BC Welfare, AP, Hyderabad nor the Government.

3. The Director, BC Welfare in the letter 3rd read above, has stated that there is no rule which permits regularization of contingent employees as permanent Government employee, without approval of the Government. Further any such regularization ought to be governed by the guidelines framed in G.O.Ms.No.212, dt: 22.04.1994. No such reference is made; therefore the appointment of Sri M.Sampath Kumar, is blatantly illegal. Basing on this order alone, the Guntur Study Circle employees have obtained orders in W.P.No.359/07, which is ordered by Government to file SLP. He has further stated that this is the second case, and if they are not challenged/ SLP filed, there is every possibility of all Study Circle employees obtaining similar relief. He has therefore suggested that the orders of the Hon'ble High Court in Sri M.Sampath Kumar case should also be challenged through SLP in the Supreme Court; otherwise the case of Government will become weak and will not stand scrutiny. Further, the act of the Managing Committee of AP Study Circle, Ananthapur, in regularizing the services of Sri M.Sampath Kumar, ought to be quashed by the Government, as they are illegal. He has requested the Government to examine and pass urgent orders in the matter so that SLPs can be filed in both the cases, together, as the issues are interconnected. He has requested to issue appropriate orders in the matter as the Guntur Study Circle Staff has issued contempt notice to Director / Government for non implementation of the Hon'ble High Court order in W.P.No.359/2007, dt:02.11.2010.

4. Government after examining the case in detail have observed that Sri.M.Sampath Kumar, was appointed as Daily Wage Worker on 01.11.1994. As such he cannot put 5 years service as on the cut-off date i.e., 25.11.1993. For regularization of the services of Daily Wage worker, orders of Government are necessary subject to fulfilling the conditions laid down in G.O.Ms.No.212, dt:22.04.1994 i.e., after the cut-off date. According to these orders, Sri.M.Sampath Kumar, has to put in 5 years of service as on the cut-off date i.e., 25.11.1993. The Study Circle at Ananthapur was sanctioned vide G.O.Ms.No.24, BCW (P1) Dept., dt:11.08.1994. Hence the completion of 5 years of service by Sri.M.Sampath Kumar, a Daily Wage Worker as on 25.11.1993, does not arise.

5. The President and Secretary of AP Study Circle for BCs, Ananthapur, has recommended to the Govt., to make certain amendments to the existing rules of Study Circle for BCs, 1994 on 27.03.1997. They have requested to add the following after Rule 4 (d) of AP Study Circle for BCs among others:-

“notwithstanding with the provisions of 4 (c) and (d), eligible candidates who have put in sufficient experience in the pre-examination training centers earlier and who gained sufficient knowledge relevant to the post, may be considered and their services may be regularized by the Managing Committee”.

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6. In Govt., Lr.No.1460/SP/A/97-1, dt:23.04.1997, addressed to the Director, AP Study Circle for BCs, Ananthapur, it was informed that the amendments proposed to Rule 4 (c), 9 (a), 10 (d) and 10 (e) of the AP Study Circles for BCs, are agreed to and the Director of the AP Study Circle, Ananthapur was requested to take necessary action in the matter. However, the Director, AP Study Circle for BCs, Ananthapur has not sent any proposals till today, and the AP Study Circle for BCs Rules 1994, are not amended till today. For amending the rules, the concurrence of Law, GA Departments and the approval in circulation are necessary.

7. In view of the above, the regularization of services of Sri.M.Sampath Kumar by the Managing Committee of the Study Circle, Ananthapur, is irregular and without any competence which are liable to be cancelled. Government have therefore decided to cancel the regularization of services of Sri.M.Sampath Kumar, Roneo Operator ordered by the Managing Committee, AP Study Circle for BCs, Ananthapur, with immediate effect.

8. Accordingly, Govt., hereby cancel the regularization of services of Sri.M.Sampath Kumar, Roneo Operator ordered by the Managing Committee, AP Study Circle for BCs, Ananthapur in the reference 2nd read above with immediate effect.

9. The Director, BC Welfare shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**HIRALAL SAMARIYA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director, BC Welfare, AP, Hyderabad
The District Collector, Ananthapur
The Director, AP Study Circle for BCs, Ananthapur
The DBCWO, Ananthapur
The individual through Director, AP Study Circle for BCs, Ananthapur
The DTO, Ananthapur
Copy to:
The Finance (PC.III) Dept.,
The LAW Dept.,
The GP for Social Welfare, High Court of AP, Hyderabad
The PS to Principal Secretary, BCWD
The PA to Deputy Secretary, BCWD
SF/SC

// forwarded by order //

Section Officer